

**REPORT - PLANNING COMMISSION MEETING
October 9, 2003**

Project Name and Number: Fremont Hub (PLN2003-00315)

Applicant: Roger Stange, Benner Stange Associates Architects

Proposal: A finding for site plan and architectural approval for modifications involving a net expansion of approximately 27,500 square feet to the Fremont Hub.

Recommended Action: Approve, subject to findings and conditions.

Location: 39170 Argonaut Way in the Central Planning Area (Central Business District).

Assessor Parcel Number(s): 501-0976-002-07, 501-0976-005-07, 501-0976-009-08, 501-0976-009-10 and 501-0976-003-15

Area: 14.8 acres project area (Fremont Hub 51.7 acres)

Owner: POB Montgomery & Company

Agent of Applicant: Roger Stange, Benner Stange Associate Architects

Consultant(s): Daniel Schaefer, BKF Engineering and Corbin Schneider The Beals Group – Landscape Architect

Environmental Review: This project is categorically exempt from CEQA review per Section 15302, Replacement and Reconstruction, Class 2.

Existing General Plan: CBD, Central Business District

Existing Zoning: C-B-D, Central Business District

Existing Land Use: Existing Retail Development.

Public Hearing Notice: Public hearing notification is applicable. A total of 898 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Mowry Avenue, Bell Street, Argonaut Way, Fremont Boulevard, State Street, Presidio Way, Sundale Drive, Parkhurst Drive, Stratton Common, Ross Common, Wainwright Common, Wall Common, Ross Terrace, Lorren Drive, Walnut Avenue, and Sacramento Avenue. The notices to owners and occupants were mailed on September 15, 2003. A Public Hearing Notice was delivered to The Argus on September 8, 2003 to be published by September 11, 2003. The public hearing was continued at the September 25, 2003 Planning Commission meeting until October 9, 2003.

Executive Summary: The applicant has submitted a request for Site Plan and Architectural Finding for a net increase of approximately 27,500 square feet in new retail structures to the Fremont Hub Shopping Center. The new retail structures are proposed to be located at the south side of the Fremont Hub Shopping Center, mid-way along Argonaut Way. Two existing buildings will be demolished, along with the associated site improvements to make room for two new buildings. A new entry drive aisle will be constructed in alignment with Sacramento Avenue to the east of these new buildings. The building located to the west of Target and south of Borders, will be renovated and enlarged to the south to accommodate Marshall's and Cost Plus World Market. An additional 12,000 square foot existing retail tenant space to the west of Cost Plus World Market will be renovated at the same time.

Background and Previous Actions: The Fremont HUB Shopping Center was originally developed in the early 1960's. Since that time, numerous additions and changes have been made to the center. The center has undergone at least two

previous major façade and design programs as well as the recent development and improvements for the Target Store. The block in which the HUB is located is owned by several different parties, who work together through various joint access and parking agreements, to ensure that the HUB functions from a site design perspective as a single development. The two major land owners within the HUB are POB Montgomery & Company and CX Target, two independently owned/operated service stations are located at the Mowry Avenue end of the Shopping Center, and the California Bank is located north of the Target Store (Fremont @ Beacon). The W. Burdette Williams Historical Park and Carriage House fronting Fremont Boulevard was deeded to the City for use as a city park in 1963 with the original development of the HUB.

A Master Site Plan has also been included within Exhibit "A" for Informational purposes only. The Master Plan concept involves a phased approach to the redevelopment of the site based upon tenant availability and existing tenant limitations and agreements. The Master Plan calls for added retail space in areas that are presently over parked, and a reduction in tenant spaces within areas, which are under parked. In addition, the Master Plan adds restaurants and retail sites along Fremont Boulevard to increase pedestrian vitality and respond to the Central Business District Concept Plan. Pedestrian access would also be improved by the deletion of selected retail spaces and the opening of pedestrian corridors to improve conductivity and flexibility of parking locations throughout the site.

The Planning Commission reviewed and discussed the proposed development at a Study Session held on January 23, 2003. The major components of the development being the location of a new building along Argonaut Way, renovation/expansion of the building between Target and Bed Bath & Beyond and a new access off of Argonaut Way into the HUB have remained unchanged since the Commissions review of the project at the Study Session.

Project Description: The applicant is requesting approval of a finding for site plan and architecture for the development of a new building and renovations/expansion to some existing retail space within the HUB. As noted earlier in the report, the lands affected by this application are located between Argonaut Way and the existing Michael's store as identified on the attached Locational Map. Specifically, the application would allow for the net increase of approximately 27,500 square feet to the existing 610,424 square feet of retail space currently within the 51.7 acre Fremont Hub site. It should be noted that the proposed application only affects an area between Argonaut Way and the existing Michael's Store being approximately 14 acres in size, this area is clearly outlined on the plans included within Exhibit "A". The scope of the works includes:

- 1) Demolition of the existing retail building and restaurant along Argonaut Way (14,219 square feet);
- 2) Development of a new retail building for Michael's and adjacent shop tenant space totaling approximately 31,295 square feet;
- 3) A new driveway is proposed to be developed at the intersection of Argonaut way and Sacramento Avenue and one is being removed;
- 4) New additional building area will be added to the front façade of the building between Target and Bed Bath & Beyond (10,472 square feet);
- 5) Redesign of the surface parking area to improve existing pedestrian/auto circulation within the Hub, and pedestrian /auto access from Argonaut Way and Sacramento Avenue;
- 6) Landscape and pedestrian circulation improvements along sidewalks adjacent to buildings; and
- 7) New landscaping on site.

The applicant is proposing to phase this development to achieve requirements of their tenants. The Phase 1A improvements include the initial demolition of an existing retail building and restaurant along Argonaut Way. Upon the demolition of these buildings, a new Michael's building and adjacent tenant space will be constructed, and a new entry drive will be developed at the intersection of Argonaut Way and Sacramento Avenue. Along with parking modifications, addition of landscaping area and a new drive, the automobile and pedestrian circulation system between Target and Safeway will be reconfigured, eliminating the angled parking and random drives. After the construction of the Michael's building, the existing Michael's will be re-located, and new additional building area (renovations/additions – Phase 1B) will be added to the existing building between Target and Bed Bath & Beyond. This additional area will extend the face of the building out to match the Bed Bath & Beyond and Target buildings. This additional building area will also provide an opportunity to establish a new design that expands on the more recent design modifications of Target and Bed Bath & Beyond, and adds additional architectural character and visual interest to the project.

Project Analysis:

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Central Business District. The proposed project is consistent with the existing General Plan land use designation for the project site because the proposed retail commercial uses are allowed in the C-B-D. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Policy LU 2.7 Site design and building development in the Central Business District shall be oriented towards pedestrians and transit...

The applicant has created opportunities for additional pedestrian access into the site and opportunities for users of the HUB to congregate within the new plaza area with the addition of providing seating and hardscape areas. The proposed project includes improved landscaping, increased pedestrian connections and enhanced vehicle circulation within the project area to complement the Safeway and Target improvements completed recently. The site design improves the visual character of the project area, and connections to Argonaut Way.

Policy LU 2.8 CBD developments shall provide safe, convenient and continuous pedestrian walkways...

Currently, within the project area of the site, very few sidewalks exist and the sidewalks that do exist are not continuous and do not encourage pedestrian use. The modifications proposed within this area add numerous pedestrian sidewalks between buildings correcting existing deficiencies and encouraging pedestrian movement. These sidewalks will link all adjacent buildings including the buildings opposite of the parking area to complete the pedestrian circulation system and encourage conductivity within the development.

Policy LU 2.9 Public open spaces and plazas shall be strongly encouraged...

The public open space and walkways are expanded within the proposed development. The existing plaza area adjacent to the Target building is proposed to be re-located at the terminus of the new driveway into the site. The new plaza location will be more centrally located within the shopping center and become a focal point to visitor and shoppers of the HUB. This new plaza area is also connected directly to Argonaut Way by way of the sidewalks on either side of the new access road into the HUB. The location of the new plaza area will also allow for its expansion and evolution into a much larger plaza area through future phase of redevelopment of the HUB.

Policy LU 2.10 Encourage publicly visible art works in new private developments and in public spaces.

Staff encouraged and the applicant is willing to provide public artwork within the new plaza area. The artwork should be valued at least one percent of the total valuation of the project, consistent with the policy the City has for public buildings. The applicant, however, requests additional time to select an appropriate piece of artwork and requested that approval of the piece be delegated to staff during the Development Organization review process. Staff recommends that the Planning Commission support the request and delegate its approval to the Planning Director (Condition 6).

- **Zoning Regulations:** The project site is zoned CBD. The proposed retail commercial uses are permitted, subject to Site Planning and Architectural Approval by the Planning Commission. As stated in Section 8-21200 of the Zoning Ordinance, the purpose of the CBD is "to provide for a concentration of retail, service and office uses reflecting the needs of the entire City and the sub-region. Development within the district shall be in accordance with principles contained within the general plan and policies adopted by City Council". The project complies with all requirements and codes applicable to a property under this zoning designation.

Site Design: The primary access point into the development will be from the modified existing signalized intersection at Argonaut Way and Sacramento Avenue. This new driveway will highlight the significance of the Argonaut Way frontage and make it much more attractive for the retailers, shoppers and pedestrians using this portion of the HUB. Secondary access points at various locations around the HUB (Fremont Boulevard, Mowry Avenue and Walnut Avenue) will also be used to gain access to the project area. Currently, an existing open pad area is located along Argonaut Way east of the

Safeway building. A new building (24,295 square feet) is proposed to be located at this vacant space with the addition of another tenant space totaling approximately 31,295 square feet in size. The development of this new building will require that the two existing structures (14,219 square feet) be demolished. The new building will incorporate additional landscaping, pedestrian access paths, and the adjacent entry drive off of Argonaut Way. The second phase of this project will be the renovations/expansion of the building located between Target and Bed Bath & Beyond, which currently is approximately 51,170 square feet in size. The addition as proposed would add approximately 10,472 square feet to the south elevation of the building. The parking area in front of this building will also be reconfigured and redesigned to match the improvements completed by Target.

The applicant's proposal would renovate the subject area in compliance with the City's Landscape Development Requirements & Policies and provide better pedestrian and auto circulation both within the parking lot and from surrounding streets and sidewalks. The proposed new buildings and on-site improvements will complement the Target project completed previously.

Parking: The parking area will be reconfigured to improve circulation. As a result there will be reduction of 273 parking spaces due to the new access off of Argonaut Way, expansion of the building located between Target and Bed Bath & Beyond and reconfiguration of the parking area. The proposed expansion creates a need for an additional 110 parking spaces. Once the proposed project has been completed, a total of 2,775 parking spaces will be provided, which exceeds the number of spaces required by the City's ordinance (1 space per 250 gross square feet) where 2,580 are required.

The loading dock screen walls for the new Michael's, Marshalls and Cost Plus World Market buildings shall be treated with a combination of landscaping, planter boxes and trellises to soften/enhance the appearance of these walls as they abut the adjacent pedestrian walkways.

Circulation/Access Analysis: **Circulation/Access Analysis:** Mowry Avenue, Fremont Boulevard, Walnut Avenue, and Argonaut Way abut of the Hub shopping center. Several driveways along these streets provide access to the Hub. Phase 1A and Phase 1B are located along the southwest side of the Hub and include revisions to the access points on Argonaut Way.

The Phase 1A improvements include the construction of a new driveway located at the existing signalized T-intersection of Argonaut Way and Sacramento Avenue. The new driveway will create a four-way intersection and requires modification to the existing traffic signal. The drive aisle that extends into the Hub from this driveway is proposed to meander before connecting to a new four-way stop. Beyond this, the drive aisle continues and terminates at a new three-way T-intersection at the plaza between Bed Bath & Beyond and Factory 2 U.

Phase 1A also includes a proposal to revise the existing Argonaut Way driveway and drive aisle between Safeway and the proposed Michael's store. This drive aisle is currently wide enough and striped to accommodate four lanes, two inbound and two outbound. The site plan proposes to eliminate one inbound lane. Staff feels that further revisions can be made to this drive aisle and that these revisions would provide for better circulation at the existing four-way intersection between Safeway and Michael's. The recommended revision would modify the striping at this intersection, allowing vehicles entering the Hub to travel in a straight line through this intersection (heading northeast towards Performance Bike). Staff has amended the site plan and included a condition of approval requiring the applicant to work with staff and incorporate this revision during Development Organization.

The Phase 1B improvements include closing off the drive aisle between Jack's Brewing and New Tung Hing Noodle such that vehicles will no longer be able to enter into the main parking field via this Argonaut Way driveway. The applicant is proposing to slightly reduce the width of this driveway and install a new trash and recycling enclosure. The changes will effectively make this primarily a service area for the businesses that back-up to Argonaut Way.

On-site circulation and access is being modified to become more consistent with the changes made during the previous Hub remodel and the changes completed with the Target renovation. The existing drive aisles and parking stalls within the Phase 1A and 1B areas are a series of one- and two-way aisles with sixty-degree angled parking. The project

proposes to revise these to become all two-way aisles with ninety-degree parking. Additionally, the applicant has agreed to revise the currently angled parking to be ninety-degree parking southwest of Bed Bath & Beyond.

Pedestrian access is improved by adding new sidewalk along both sides of the new drive aisle from Argonaut into the plaza and by providing new sidewalk along the northwest side of Michael's that continues into the site through the parking field. The design team has agreed to incorporate a raised T-intersection at the plaza and raised crosswalks in front of Michael's, creating a pedestrian friendly connection across the drive aisles, while at the same time claming on-site vehicular traffic. The details of the raised intersection and crosswalks shall be included within the Phase 1A construction drawings and are subject to staff review and approval during Development Organization.

Street Improvements: Street improvements for this project include the installation of a new signalized driveway, at the Argonaut Way and Sacramento Avenue intersection, and modification to two existing driveways on Argonaut Way. The new signalized driveway shall be a City standard type-E driveway, modified to provide a maximum two percent cross slope for the pedestrian connection across the driveway. Street improvement plans including, but not limited to, signal design/modification, signing, and striping plans, shall be included with the first Development Organization submittal of construction drawings for Phase 1A. All work within the public right-of-way shall conform to City standards and shall require an encroachment permit.

Traffic Impacts: Hexagon Transportation Consultants, Inc., completed a traffic study to analyze pre- and post-project traffic conditions, identifying potential project traffic impacts, and providing recommendations to mitigate identified impacts. For the purpose of the study, the project was based upon a three-phase demolition and reconstruction on the project site, with a net increase of approximately 47,000 square feet of retail space (Master Site Plan – Build out).

The study evaluated the weekday AM, weekday PM, and Saturday midday peak-hour traffic along the project frontage and the surrounding public streets. Based upon the increase in gross retail square footage, the project would generate additional peak-hour trips equal to: 48 AM trips, 116 PM trips, and 173 Saturday trips. Additionally, level of service (LOS) was calculated at the following six intersections: Fremont Blvd. and Mowry Ave.; Fremont Blvd. and Hub entrance (driveway next to Casual Male); Fremont Blvd. and the Beacon Ave. driveway; Fremont Blvd. and Walnut Ave.; Mowry Ave. and Argonaut Way; and Argonaut Way and Sacramento Ave. The pre- and post-project LOS were calculated at level A or B, except for the Fremont/Mowry intersection where pre- and post-project LOS was calculated at level C. No significant project impact was identified, because the project does not degrade intersection LOS to less than level D.

The project proposal includes creation of a new driveway into the Hub at the Argonaut Way and Sacramento Avenue intersection. The traffic study recommends that the existing 3-way signalized intersection be modified to a four-way intersection with fully operational traffic signals. Additionally, because of the new entrance into the Hub, a new 80-foot long left-turn pocket should be created for traffic heading southbound on Argonaut Way, turning left into the site. The aforementioned recommendations have been included as project conditions of approval.

Mapping and Easements: The Hub is made up of several tax parcels and is crossed by several easements, including several easements to the City of Fremont (see sheet C-01). City staff does not know how or when some of these tax parcels were created. The proposed improvements do not correlate to the existing tax parcels. For example, the new Michael's building will span the boundary between assessor parcels 501-0976-009-10 and 501-00976-009-08. Prior to issuance of building permits for Phase 1A buildings, which span parcel boundaries, the property owner must apply for and receive approval of a tentative parcel map and final parcel map because under the Building Code, a building may not span property lines. Additionally, the applicant shall apply for abandonment of easements granted to the City of Fremont and demonstrate that easements to other public agencies, utility companies, etcetera, have either been quitclaimed, abandoned, or modified to be consistent with the proposed project.

Architecture: The proposed new and remodeled buildings have been designed to compliment and be consistent with the existing architecture of the Fremont HUB Shopping Center. The buildings will feature large canopies to accentuate the entries as well as steel and fabric awnings along the pedestrian plazas, which will provide not only protection from the weather but also deep shadows that will give the building visual depth and character. Existing glass canopy along the north face (interior mall) of the existing buildings on each side of the new Marshall's entry canopy will remain intact. Contemporary curved elements have been repeated on the canopy roofs and soffits, as well as in plan that create an

identifiable common design element between the buildings. The introduction of clear and spandrel storefront glazing has also been introduced to provide a view into the retail spaces as well as reflect the surrounding environment and make for a more pedestrian friendly environment. The storefront system will be a dark bronze anodized color to match the existing storefront. Masonry pilasters have been incorporated on the new buildings to break up the large expanses of walls facing the drive aisles off of Argonaut Way. The proposed materials that have been selected are stucco and masonry for their appearance and color palette, as well as for their durability. These materials and finishes are commons to the HUB. The broad color palette proposed covers a wide range of colors from gold's and burgundy's to subdued blues and greens.

Staff recommends the following changes to the proposed building design:

1. Provide additional landscaping adjacent to the loading dock screen walls (Michael's, Marshalls and Cost Plus), which are next to pedestrian walkways/linkages.
2. Provide additional landscaping adjacent to the east elevation of Marshalls behind the loading docking dock.
3. Provide additional glazing along the north elevation of the new Michael's Store to the right of the entryway.
4. Provide additional glazing on the south elevation of Marshalls to the right of the entryway.

Landscape Architect Review of Proposed Tree Removal and Preservation: The proposed project is located on a site that is dotted with many mature trees throughout. For this specific phase of construction, fifty-three trees are slated for removal, thirteen trees are slated to be relocated, and fifteen are to remain in place. All parking lot trees are to be installed at a minimum 24" box size. All tree mitigation must be consistent with the provisions of the Tree Preservation Ordinance.

Staff is concerned that trees to be relocated be done adequately to preserve trees. A condition is added requiring arboricultural analysis to ensure preservation of the tree.

Landscape Architect Review of Proposed Planting Plan: The parking lot will be planted with broad-dome canopy tree types for shade and the entry drive will be lined with palm trees to provide a grand statement. Palm trees will be planted from a minimum 10 foot height. The rear of the buildings along Argonaut Way will receive additional planting to screen the parking lots and loading areas in the back of the buildings. In addition, street trees consistent with the existing street trees shall be provided along Argonaut Way. Islands at the end of the parking aisles shall be planted with a minimum 36" box tree. The larger size trees are conditioned for prominent locations such as islands at end of parking aisles, building entries and pedestrian connections.

Pedestrian Circulation: Enriched paving treatment such as interlocking pavers, concrete pavers, and integral colored concrete are proposed to enhance pedestrian circulation throughout the site. The pedestrian linkages provide important connections between existing buildings and proposed buildings, and between parking lots and new building entries. Conditions are added to require richly colored interlocking pavers, concrete pavers, and integral colored concrete that are consistent with the intent of the plan.

Public Art: General Plan policy LU2.10 (Central Business District Design and Development Policy) encourages publicly visible art works be included in new private developments and in public places. As noted previously, the new plaza area at the terminus of the new entranceway off of Argonaut Way lends itself to the inclusion of some form of art work be it a water feature or sculpture.

Staff recommends that the Planning Commission strongly encourage the applicant to commission some artwork for this new plaza area (Condition 6).

Grading/Topography: The project site is currently improved with a paved parking lot and several retail buildings. The site for the proposed Michael's is currently vacant, having been used previously as a gas station. The project includes demolition of two existing buildings along Argonaut and modification to the existing parking lot design. Site grading will consist mainly of revising pavement grades to accommodate drainage changes due to the revised drive aisles and parking.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. Adopted regulations require discharges of storm water associated with new development and construction to submit a Notice of Intent (NOI) to the State of California for activities disturbing more than one acre of land. The NOI is to include the development and implementation of a storm water pollution prevention plan emphasizing best management practices. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Applicable Fees:

- **Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The applicant will be entitled to a fee credit for the existing structures to be demolished.

Waste Management: This project involves retail and service uses and, it shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. The trash/recycling enclosures for the project shall be designed in a manner to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with such standards. There will be one trash/recycling enclosure in the parking area in front of Marshalls and another behind the new building adjacent to Argonaut Way, both of which shall follow the requirements of Condition 13.

Environmental Analysis: This project has been determined to be categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act Section 15302, Replacement and Reconstruction. Section 15302 of the CEQA Guidelines provides for "Class 2" categorical exemptions, consisting of "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity of the structure replaced, including but not limited to ... (b) replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity." In this case, the existing retail buildings on the Hub site will be demolished to be replaced by reconfigured and reconstructed retail buildings on the same site. Although there is a net addition of square footage, in the overall context of the existing center, the new square footage adds only 4.2 per cent. Therefore, the requirement that the new structure be substantially the same size, purpose and capacity is satisfied.

Enclosures:

Exhibit "A" Site Plan, Landscape Plan and Building Elevations (Existing Site Plan (A01), Phase 1 Site Plan (A04), Demolition and Phase 1 Plan (A05), Building Floor Plans (A07), Elevations (A08), Conceptual Planting Plan (L01), Tree Survey/Removal Plan (L02)).
Exhibit "B" Findings and Conditions of Approval
Information: Master Site Plan (A02), Phasing Plan (A03), Circulation Plan (A06), Topographical and Demolition Plan (C01), Tree Survey Plan (L03)).

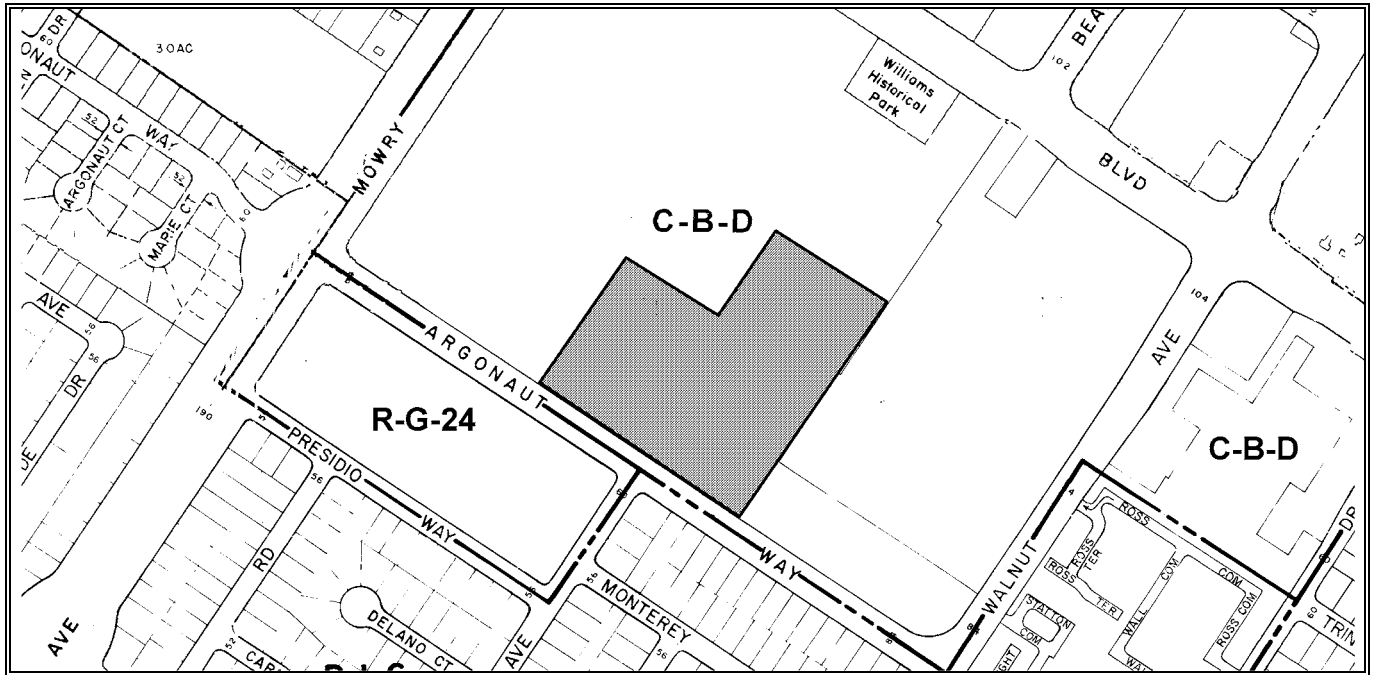
Exhibits:

Exhibit "A" Site Plan, Landscape Plan and Building Elevations (Existing Site Plan (A01), Phase 1 Site Plan (A04), Demolition and Phase 1 Plan (A05), Building Floor Plans (A07), Elevations (A08), Conceptual Planting Plan (L01), Tree Survey/Removal Plan (L02)),
Exhibit "B" Findings and Conditions of Approval
Information: Master Site Plan (A02), Phasing Plan (A03), Circulation Plan (A06), Topographical and Demolition Plan (C01), Tree Survey Plan (L03)).

Recommended Actions:

1. Hold public hearing.
2. Find the project categorically exempt from the California Environmental Quality Act per Section 15302, as it relates to the replacement and reconstruction of new structures (Class 2).
3. Find PLN2003-00315 is in conformance with the relevant provisions contained within the City's existing General Plan. These provisions include designations, goals, objectives and policies set forth in the General Plan Land use Chapter as enumerated in the staff report.
4. Approve PLN2003-00315, as shown on Exhibit "A", subject to the findings and conditions on Exhibit "B".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

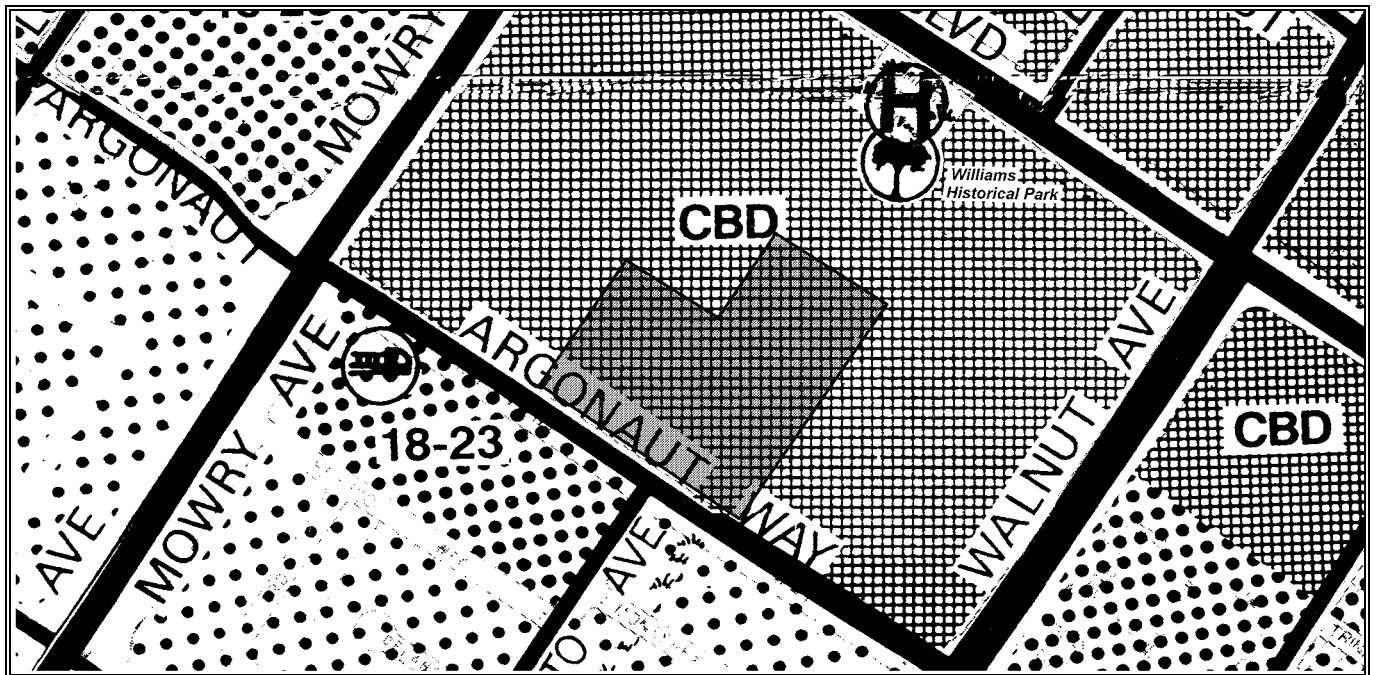


EXHIBIT "B"
Findings and Conditions of Approval for
PLN2003-00315 (Finding)
39170 Argonaut Way – 2003 Expansion

CBD Findings:

- 1) The proposed development properly relates to essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation and access points.

The applicant's proposed expansion and renovation would provide better auto and pedestrian circulation within the Fremont HUB Shopping Center and from the Argonaut Way. The proposal would add a new vehicle access to the site from the intersection of Argonaut Way and Sacramento Avenue, creating another primary entrance to the HUB. The reconfigure parking area will allow for enhanced pedestrian and vehicular circulation, which has been designed to compliment the recent redesign of the Safeway and Target parking areas. Sidewalks are also proposed along both sides of the new access into the HUB, which will create a direct pedestrian link to the center from Argonaut Way as well as various other internal pedestrian connections/linkages, in an effort to increase pedestrian activity within the HUB. In addition, stop signs will be installed at heavy traffic intersections within the parking lot. Screening, including walls with landscaping, has been added to hide the loading areas from public view both from within the site and from the Argonaut Way.

- 2) The proposed development properly relates to public agency service requirements and opportunities, especially emergency public safety services;

The existing and proposed buildings are easily accessible and visible. The City of Fremont Police and Fire Departments have reviewed and conditioned the proposal to provide for appropriate lighting, access and fire protection.

- 3) The proposed development is visually, physically and functionally compatible with neighboring uses and neighborhood characteristics;

The building expansion/renovations and site improvements would compliment, while also creating a new image/look for the center, which will be carried through in future phases of development. In addition the applicant has worked with staff to provide additional architectural elements and landscaping to enhance the project. Major elements include display windows (tenant space adjacent Cost Plus World Market), storefront glazing, shade trees along the pedestrian paths, palm trees along the new access off of Argonaut Way, and trellises with vines along screen walls.

The existing Fremont Hub contains an internal pedestrian circulation system with plazas and sidewalks, but is interrupted between Safeway and Jack's Brewing. The proposed modifications in Phase 1 will link the existing system and complete the pedestrian plaza network along Argonaut Way between Jack's Brewing and Safeway, and will extend the existing building between Bed Bath & Beyond and Target to complete the pedestrian network. In addition, the improvements will add two additional pedestrian sidewalks between the main core buildings and perimeter buildings along Argonaut Way adjacent to the new entry drive to provide for a more direct pedestrian connection to Argonaut Way.

- 4) The proposed development includes open space or other site facilities and provides an attractive environment for the occupants of the property to be developed.

The applicant's proposal would renovate the site to provide and enhanced level parking lot landscaping, a tree lined entry into this portion of the HUB and various other on-site hardspace amenity enhancements. The new plaza area located adjacent to Bed Bath & Beyond will be more centrally located and be designed to be a focal point to encourage pedestrian activity. The plaza will be paved with the same pavers used throughout the rest of the center and will expand upon the plaza materials and architectural design within the previous renovations.

General Conditions

1. Approval of PLN2003-00315 for a net expansion of approximately 31,000 square feet to the Fremont Hub shall conform to Exhibit "A" (Site Plan, Landscape and Architecture). The proposed plans submitted to the **Development Organization** shall substantially conform to the plans submitted with this application, except as modified herein.
2. Minor modifications to Exhibit "A" (Site Plan, Landscape and Architecture) may be made subject to the review and approval of the Planning Director if such modifications are in keeping with the intent of the original approval, unless the Planning Director finds that such modification warrants review and approval by the Planning Commission.
3. The applicant shall submit appropriate plans to the **Development Organization** for review to ensure compliance with all City codes, policies, and other requirements of the Fremont Municipal Code.
4. The project shall be subject to all City-wide development impact fees. These fees may include, but are not limited to, fees for fire protection, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.
5. Prior to issuance of building permits for buildings which span tax parcel boundaries or span property lines, the property owner must apply for and receive approval of a tentative parcel map and final parcel map. Concurrently with the tentative parcel map application, the property owner shall submit an application for vacation of any unnecessary public utility easements.

Planning Requirements

6. A piece of artwork shall be placed within the new plaza area at the terminus of the new access roadway off of Argonaut Way. Such artwork shall be reviewed and approved by the Planning Director, and be part of the Phase 2 **Development Organization** submittal requirements. The artwork shall be installed with the Phase 2 portion of this project, prior to building final.
7. All utilities associated with the development of this project, including PG&E meters, and any roof mounted mechanical equipment shall be screened from view from the Argonaut Way, and shall be subject to review and approval of staff during the **Development Organization** review process.
8. The applicant shall provide additional lighting and/or incorporate any existing lighting into the photometric study to be submitted with the **Development Organization** review drawings. The applicant shall submit catalogue cuts of all exterior light fixtures with the **Development Organization** review drawings to be reviewed by planning staff.
9. Lighting fixtures in the parking areas and on any buildings shall be focused onto the project area and shielded away from adjacent roadways and residences. Additionally, the fixtures shall be compatible with existing fixtures on adjacent sites. The design and details will be subject to the review and approval of staff during the **Development Organization** review process.
10. Other than public roadway lights, no exterior lighting shall be permitted except that which has concealed source, subject to the review and approval of staff during the **Development Organization** review process.
11. The applicant shall advise all future tenants that they must store their shopping carts within their tenant spaces. If for some reason, at some future tenants are unable store carts inside their store, then a screen wall shall be located in front of the store, completely screening the carts and not interrupting the flow of pedestrian movement, subject to the review and approval through the **Development Organization** review process.
12. The design of the shopping cart storage areas within the parking area shall be reviewed through the **Development Organization** review process.

13. The trash enclosures located in the parking area in front of the new Marshalls store and behind the building on Argonaut Way shall be designed with finishes and colors which are unified and harmonious with the character of the adjacent architecture. This trash enclosure shall also be screened with landscaping/trellises (vines) and covered with a minimum six-foot high enclosure. The screening of the enclosure shall take place immediately with either more significant landscaping and/or fast growing landscaping. The location, architecture and screening of the enclosure shall be reviewed through the **Development Organization** review process.
14. The loading dock screen walls adjacent to pedestrian walkways/linkages shall include a combination of landscaping, trellises and planter boxes to soften/enhance the appearance of these screen walls. This shall be reviewed and approved through the **Development Organization** review process.
15. The applicant shall advise all future tenants that storage of stock/merchandise delivery/storage containers is prohibited anywhere outside of the buildings' exterior. This includes the storage of pallets in the loading areas.
16. Signage is not part of this application. The applicant shall submit for all the required signage under a separate Planned Sign Program application.
17. The applicant shall install bicycle parking, number and location to be determined by the City Traffic Engineer. These shall be shown on the **Development Organization** review submittal.
18. The following architectural changes shall be incorporated in the building design and shall be reviewed by staff during the **Development Organization** review process:
 - Provide additional glazing along the north elevation of the new Michael's Store to the right of the entryway.
 - Provide additional glazing on the south elevation of Marshalls to the right of the entryway.


Engineering Division Requirements

19. The existing traffic signal at the Argonaut Way and Sacramento Avenue intersection shall be modified in order to provide a four-way signalized intersection. The developer is responsible for the design and construction of the signal modifications and any striping modifications required at the new four-way intersection.
20. The existing traffic lanes on Argonaut Way, north of the Sacramento Avenue intersection shall be modified to incorporate a new, minimum 80-foot long, southbound left-turn lane, to allow queuing of vehicles turning left into the new Argonaut Way driveway.
21. Street improvement plans including, but not limited to, signal design/modification, signing, and striping plans, shall be included with the first **Development Organization** submittal of construction drawings for Phase 1A.
22. Improvements within the public right-of-way shall conform to City standards. The new driveway on Argonaut Way shall be a City standard type-E driveway, modified to provide a maximum two percent cross slope for the pedestrian connection across the driveway.
23. The applicant shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. The encroachment permit shall be obtained prior to issuance of the building permit.
24. The site circulation and parking shall be reviewed for conformance with Title VIII, Chapter 2, Article 20, of the Fremont Municipal Code during **Development Organization**.
25. The applicant shall modify the striping within the drive aisle between the new Michaels and the Safeway building to allow for better circulation at the on-site, four-way stop intersection. The details of this modification shall be included with the Phase 1A plan submittal and are subject to staff review and approval during **Development Organization**.

26. The Phase 1A project plans shall include details of the raised intersection south of Bed Bath & Beyond and the raised crosswalks north of Michaels. The design of these raised features and any other traffic calming devices are subject to staff review and approval during **Development Organization**.
27. The Phase 1B project plans shall incorporate raised crosswalks and other traffic calming measures, subject to staff review and approval during **Development Organization**. Potential locations of raised crosswalks include the crosswalk east of Jack's Brewing Company and the crosswalk southwest of Marshalls.
28. Applicant shall provide for a functional drainage system subject to approval of the City during **Development Organization** review.
29. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
30. The applicant shall submit a detailed soils report including recommendations regarding structural sections, prepared by a qualified soils engineer registered by the State of California.
31. Grading operations shall be in accordance with recommendations contained in the required soils report and be supervised by an engineer registered in the State of California to do such work.
32. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer during Development Organization. A separate plan shall be submitted for this purpose.
33. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.
34. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
35. All paved outdoor storage areas must be designed to reduce and limit the potential for runoff of contact pollutants. Bulk materials stored outdoors in storage areas may need to be covered as determined by the City Engineer.
36. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
37. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
38. The proposed development shall provide waste and recycling enclosures that shall be made accessible to the City's waste management contractor. The location and accessibility of the trash and recycling enclosures shall be subject to the review and approval during **Development Organization**.
39. All public and private storm drain inlets are to be stenciled "No Dumping – Drains to Bay" using stencils purchased from the Alameda County Urban Runoff Clean Water Program at 951 Turner Court, Hayward, California. Color and type of paint to be as approved by the City Engineer.
40. All on-site storm drains are to be cleaned prior to building occupancy and also be cleaned each year immediately before the beginning of the rainy season (October 15). The City Engineer may require additional cleaning.

41. All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution.
42. All washing/steam cleaning must be done at an appropriately equipped facility, which drains to the sanitary sewer. Outdoor washing must be managed in such a way that there is no discharge of soaps, solvents, cleaning agents, or other pollutants to the storm drains. Wash water should discharge to the sanitary sewer, subject to review, approval, and conditions of the Union Sanitary District.
43. Restaurants must be designed with contained areas for cleaning mats, equipment, and containers. This wash area must be covered or designed to prevent runoff from entering or leaving the area. The area shall not discharge to the storm drain. Wash waters should drain to the sanitary sewer or be collected for ultimate disposal to the sanitary sewer. Employees must be instructed and signs posted indicating that all washing activities be conducted in this area. Sanitary sewer connections are subject to the review, approval, and conditions of the Union Sanitary District.

Landscape Division Requirements

44. All parking lot trees shall be minimum 24" box size tree.
45. All ground covers will be a minimum 1-gallon size. No flats or jumbo packs are allowed.
46. Preservation of trees to remain in place or to be relocated shall follow procedures noted in the City of Fremont Landscape Development Requirements and Policies (LDRP).
47. Install interlocking pavers, precast pavers, integral colored concrete as shown on the approved Exhibit. The use of stamped concrete is prohibited.
48. Trees in planter islands at the end of parking aisles shall be planted from 36" box containers.
49. To ensure survival of trees to be relocated, the City shall obtain guidelines, specifications, and details from a certified arborist for construction of the entryway median. The applicant will pay the cost of the arborist services during **Development Organization**. 
50. Trees slated for preservation, as part of this project that are removed or damaged during construction shall be mitigated with a minimum 48" box size tree subject to the approval of the City Landscape Architect and compliance with the provisions of the Tree Preservation Ordinance.
51. Small trees (to 15 feet tall) shall not be planted closer than six feet from building or roof overhang with a minimum planting area 5 feet wide. Medium trees (to 30 feet tall) shall not be planted closer than eight feet from building or roof overhang with a minimum planting area 6 feet wide. Tall trees (above 30 feet tall) shall not be planted closer than 15 feet from building or roof overhang with a minimum planting area 6 feet wide, preferably 8 feet wide.
52. A landscape plan shall be submitted to the **Development Organization**, for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:
 - a. An underground irrigation plan.
 - b. Weed control specifications.
 - c. A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
 - d. Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.

53. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect. Current copy of the LDRP available at the Engineering Counter shall prevail.
54. Parking Lot lights will not be permitted in planters approved for trees as shown in the approved exhibits. Additional planters may be added to accommodate lights, beyond those shown on the exhibit for tree planting subject to review and approval of the City Engineer and conformance with other conditions of this project.
55. The applicant shall provide details of outdoor furniture including light fixtures, benches, trash enclosures, as part of the landscape plan. All design elements, including the furniture and light fixtures, shall be designed to promote a pedestrian friendly environment and shall be subject to staff review and approval during **Development Organization** review process.
56. No plastic chairs or tables shall be used as outdoor furniture.
57. Additional trees shall be planted along Argonaut Way, where appropriate and shall be subject to staff review and approval during **Development Organization** review process.
58. Turf shall be planted from sod.

Environmental Services Requirements

59. Trash enclosure areas shall be designed to prevent run-on or run-off from the area. Process water shall not drain to the storm drain system; these areas should connect to the sanitary sewer system.
60. Loading dock areas shall be designed to prevent run-on or run-off from the area. Wastewater from this area shall not discharge to the storm drain system untreated.

Fire Department Requirements

61. The applicant shall install an automatic fire sprinkler system in the buildings for fire protection purposes. Waterflow and control valves must be monitored by a central system and central station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station and an audible located in a normally occupied location, all of which shall be reviewed during the **Development Organization** review process.
62. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13.
63. All Automatic Fire Suppression Systems Fire Department Connections shall have the following installed/provided
 - a) Address placard installed at the connection.
 - b) Knox Cap installed on every inlet.
64. Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14
65. The applicant shall provide the Fremont Fire Department with a site plan/ Civil Utility Plan for approval of public and on-site fire hydrant locations.
 - a) **The installation additional of fire hydrant is highly probable.**
66. The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.

67. The applicant shall have a key box (Knox brand) located outside of all buildings/gates and provide keys to the Fire Department so they may gain access. Vehicle gates may use Knox lock or keyed over-ride switch. Gate shall also have an infrared receiver installed. Application can be obtained at Fire Administration office, 3300 Capital Ave, Fremont.
68. The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
69. Building over 35' in height require fire apparatus roadways with a minimum 26' width. Set back from buildings must equal 1/4 height of the building plus a 26' roadway. Ex: 4 story 48' peak roof divided by 1/4 = 12' setback, plus 26' roadway. If a fire hydrant is required, the road must be 26 foot wide for 20 feet on both sides of the hydrant(s).
70. Addresses must always be visible from public streets.
71. **Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant.** N.F.P.A. 14. All inlets shall have Knox type caps installed.
72. Fire hydrant spacing requirement is 300 feet. Spacing. The distance is measured as the fire engine travels on all-weather surfaces.

HAZARDOUS MATERIALS UNIT:

73. The applicant must immediately notify the Fremont Fire Department Hazardous Materials Division of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

During Construction

Construction activities shall be limited to the following hours of operation:

7a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. Saturday
No construction activities allowed on Sunday

Failure to comply with the above mentioned hours of operation would result in the withholding of inspections.